

Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel

6 – 8 PM on Tuesday, February 8, 2022

Location: Teams

Link to Orca Media's recording of meeting: <https://www.youtube.com/watch?v=6lXKZ6HXsIA>

MEETING MINUTES

Attendance List

Etan Nasreddin-Longo, Chair
Tyler Allen
Pat Autilio
Jessica Brown
Rep. Coach Christie
Abigail Crocker
Xusana Davis
Jennifer Firpo
Karen Gennette
Christine Johnson
Robin Joy
Barb Kessler
Shela Linton

Chief Don Stevens
Rep. Martin LaLonde
Elizabeth Morris
Evan Meenan
Qing Ren
Lorretta Sackey
Shalini Suryanarayana
Julio Thompson
Rebecca Turner
Monica Weeber
Jennifer Zeunik
Judge Thomas Zonay
ORCA Media

Welcome and Introduction:

- Brief intros by all in attendance

Announcements:

- We welcomed to RDAP our new Community Representative, Qing Ren.
- Etan added one agenda item to the meeting between discussion of H.546 and discussion of future direction of RDAP: Monica Weeber to discuss data integration with the National Criminal Justice Reform Project (NCJRP)

Presentation/Discussion

- I. Rep. LaLonde: Developments with *H.546 - An act relating to Racial Justice Statistics***
 - Builds on good work by RDAP and a subcommittee over the last couple of years to get the bill to this point
 - Bill currently with House Judiciary, next stage is Government Operations and then Appropriations to determine necessary resources

- Heard some very helpful testimony from Rebecca, Evan, Julio, Judge Grearson, and others. Testimony on bill has helped make improvements regarding data governance, transparency, privacy protections, and honing other portions of the bill.
 - Want to build out the record a little more as to details on cost, resources, and specifics about the advisory panel. Structure is pretty well in place.
 - Kristin McClure of Agency of Digital Services has already provided some testimony to House Judiciary about staffing and funding needs. More testimony to come on that by Kristin McClure, Xusana Davis, and others.
 - Question now does not appear to be *whether* we need to do a better job with data collection pertaining to our criminal justice system, but *how*.
- Discussion from others who provided testimony on H.546:
 - Rebecca Turner: ODG testified about concerns regarding privacy protections and not creating a new system for public records, but rather, using current system. These concerns were heard and addressed in amendments.

II. Monica Weeber and Karen Gennette: Updates on the work of the NCJRP

- Monica reminded the group that the NCJR project is situated in the DPS, but with national funding and that the project started several years ago with a focus on pre-trial and bail; current efforts will focus is on data integration.
- Funding allowed the NCJRP to hire a Project Manager to work with ADS. That position started in December 2021.
 - NCJRP is building a project plan for how the state can integrate data and building a charter for how the state can use data for policy work and justice reform. Project is not centered around actually pulling and integrating data—that would require more funding and resources. The NCJRP has:
 - drafted a charter
 - identified stakeholders
 - considered technical considerations
 - begun working on creating a governance system
 - begun crafting about a sustainability plan
 - NCJRP is looking at other states' models for nuts and bolts
 - Worked with DOC to look at one database as a model to assess on 8 principles: transparency, accountability, integrity, protection, compliance, availability, retention, and disposition
 - Have been updating Etan and Witchie
 - Have deliverables due to funders in June
- Rebecca asked Monica about the role of RDAP with NCJRP. Monica responded that she thought NCJRP's work could benefit the Office of Racial Justice Statistics considering the shared goals of the project and the office. Rebecca wanted RDAP to know that the ODG has been involved with the NCJRP work and had raised some questions with the group about racial equity throughout data integration. Monica responded that that NCJRP has been drawing from AISP's work on this front and looking to expand group membership and that they hope to keep Witchie and Etan involved.

- Karen added the Office of Racial Justice Statistics will be end users of the data and that a lot of work must go into the front end, such as creating systems for collecting data; understanding different rules, regs, and office policies for sharing data; and reviewing and assessing data collection systems for weaknesses regarding both the collecting and sharing of data. This is a lot of ground work that needs to be laid before data will be shared with the Office of Racial Justice Statistics, both in terms of doing the assessment of departments' system(s) and figuring out how all the states' department can share data. From this NCJRP review, the NCJRP will create a document discussing the assessments with the departments that will show the gaps or weakness in the various systems and the reliability and credibility of the data in each of the systems. Some of this work will be done by end of February and NCJRP will share what they can with RDAP and seek feedback from stakeholders.

III. Future Directions for the RDAP

- Etan provided an historical overview of RDAP's original charge and past work and added that although RDAP has done a good job of responding to various data bills, after RDAP completed the 2021 report in November, many RDAP members felt that they didn't want RDAP to simply become the "RDAP that did data" and that data should not be the group's sole purpose.
- In light of this and referencing the 2019 report to the legislature about RDAP's work, Etan opened a discussion about what we want to do next.
 - Chief Stevens posed a question about what RDAP's responsibility and authority is, and Etan responded that one charge is to provide biannual reports, which RDAP has done, but with 2019's being more general (though it included data) and with 2021's being much more specifically an amplification of our work around data.
 - Chief responded that with a report not being due in 2022, he was wondering what else might RDAP have the legal authority to work on this year. Rebecca called our attention to our enabling statute, 3 VSA § 168, and the mandates therein and suggested our next work might call up other reports we've seen in recent months, including Sagino et al's traffic stops report; Crocker's report relating to DOC; a report from Dr. Davis' office; and other bills including H.546 and H.635 relating to traffic stops.
 - Shela added that she is wondering how we are monitoring what's happening in the legislature that relates to racial equity and steps RDAP has advocated be taken and how we're holding legislators to account. Similarly, how can RDAP keep abreast of what others are doing around the state so we can communicate and collaborate with each other and avoid reinventing the wheel. Finally, let's look at the report from 2019 and figure out what are priorities were then and what we have yet to accomplish.
 - Julio pointed the group to S. 250 and that bill's data collection provisions related to traffic stops and use of force and any interactions with law enforcement that have death or serious bodily injury resulting

- Evan concurred with Shela and also pointed to the enabling statute at (f)(6)(A) regarding a statewide complaint process to address perceived bias and (f)(6)(B) about penalties and asked whether we needed to follow up on those mandates. As well, Evan pointed to section (f)(3)'s obligation for RDAP to provide trainings and model policies to the CJC and others-- and whether we should be working on that. CJC is currently embarking on rewriting its rules and so now could be a good time for RDAP to get involved.
 - Erin and Etan wondered whether timing could be an issue. But Evan indicated that realistically, nothing is likely to happen too quickly and that we would have time to get involved. Evan indicated that he would follow up and see if he might be able to get a time estimate.
 - Chief followed up with Evan and asked about whether other states may have gone through such an exercise and so would have resources that might be helpful to Vermont's CJC's work or to RDAP in making recommendations to CJC. Evan respond that that seemed likely and concurred that there is no point in reinventing the wheel.
 - To the Chief's point, Julio responded that there's a plethora of relevant resources and materials from community-based experts and others for LEAs developing rules, policies, and trainings related to bias, including from:
 - Departments who've been subject to consent agreements with DOJ
 - NYU Law School's Policing Project
 - Georgetown's ABLE peer intervention program (they provide free trainings nationwide).
 - Boston-based Community Resources for Justice and the Criminal Justice Institute, a division of CRJ
 - We could easily connect with these folks to attend an RDAP zoom meeting
- Rebecca pointed out that historically RDAP has focused in on subsection 6 of the statute in part because of its connection to reporting requirements and that maybe its time to move on from 6(C)—the data section—and move to 6(A) and (B), looking at how to institute a public complaint process to address implicit bias and whether and how to prohibit racial profiling.
 - Monica responded and added to the historical record that early RDAP committee reports indicated folks were aware of other subsections in section 6, but that resources were scarce
- Etan asked whether, in regard to working on 6(A)&(B) and advising the CJC, it's an either-or proposition-- or whether we could do both.
 - Chief Stevens reminded the group that this panel meets once a month and that it doesn't require folks to do a whole bunch of work in their free, uncompensated time. We can't assume folks

have a lot of time, and we need to be careful about managing legislators' expectations.

- Evan concurred and suggested that perhaps we start with 6(A). Etan asked the group whether it's been decided that the HRC is the office that will take on a state-wide reporting system, whether it has the resources to take that on, and whether we might invite Bor to our next meeting.
- Etan proposed we move forward with the CJC advisory piece by at the very least, following up with them about a possible timeline and their next steps. As well, Etan proposed we look at moving forward with 6(A)
 - Rebecca asked whether we should have subcommittees and added that we shouldn't forget about the CSG recommendations
 - Etan responded that he liked Rebecca's suggestion subcommittee suggestion, and that there would be three, as follows:
 - 6(A) Public complaint process and whether it should be with the HRC
 - Rebecca suggested RDAP invite Bor to the next meeting
 - 6(B) Racial profiling and penalties
 - Rebecca would like to be on this committee
 - Working with CJC
 - Etan will work with Evan on this
 - Evan and Shela reminded group about the time and resources issue (as raised previously by Chief), and Shela added that those who have more resources to lead, great, and then others who have fewer resources can contribute as they can. Shela added that historically, this group has done a good job including everyone and reporting to everyone, no matter their ability to contribute, time-wise.
 - Rebecca clarified that she wasn't suggesting a big lift at this time, but that what she could do ahead of our March meeting regarding 6(B) is compile a list of relevant reports, e.g., the CSG report and other things we've learned since 2019.
 - Etan liked this and said that he and Evan could similarly get something to the group about the CJC piece.
 - Homework for next month will be for Rebecca, Evan, and Etan to put together some informational materials which Etan will distribute. And for everyone: please do the reading, including the report from 2019 if you haven't had time to do that yet!

POSTSCRIPT

After some technical difficulties, Coach was able to connect and added a note regarding the history of 6(A) and the HRC: at that time, a bill was proposed to get additional staffing for the HRC, a Director of Education and Outreach and an additional litigator. The addition of a litigator was intended to relieve some pressure on Bor to do some of the work of 6(A). HRC was given

600k to hire contract attorneys. This helped a bit but did not necessarily provide all the resources necessary to take on 6(A). HRC will continue to seek more resources.

- **New Business**
 - None raised

Next Meeting – Tuesday, March 8, 6-8 pm on Teams